

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                                 |   |                     |
|---------------------------------|---|---------------------|
| JOSEPH DANIEL WAUHOP, on        | ) |                     |
| behalf of himself and all       | ) |                     |
| others similarly situated,      | ) |                     |
|                                 | ) |                     |
| Plaintiff,                      | ) |                     |
|                                 | ) |                     |
| v.                              | ) | Civ. No. 05-310-SLR |
|                                 | ) |                     |
| XYBERNAUT CORPORATION, EDWARD   | ) |                     |
| G. NEWMAN, STEVEN A. NEWMAN,    | ) |                     |
| M.D., THOMAS D. DAVIS, JOHN F.) | ) |                     |
| MOYHNAHAN and GRANT THORNTON    | ) |                     |
| LLP,                            | ) |                     |
|                                 | ) |                     |
| Defendants.                     | ) |                     |

O R D E R

At Wilmington this ~~17<sup>th</sup>~~ day of August, 2005, defendant Xybernaut Corporation having filed a Notice of Bankruptcy with the court on August 1, 2005 (D.I. 29);

IT IS ORDERED that said defendant shall be terminated as an active party in the above-captioned case until further order of the court.

  
\_\_\_\_\_  
United States District Judge